IN THE HIGH COURT OFR JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR.

S.B. CIVIL SECOND APPEAL NO.320/2004
Ramjilal Vs. State of Rajasthan & Anr.
4.12.2007.

HON'BLE MR. JUSTICE DALIP SINGH

Shri K.C. Sharma, for the appellant.

Heard learned counsel for the appellant. In the instant case concurrent findings of fact have been recorded against the plaintiff appellant. The appellant has moved an application under Order 41 Rule 27 CPC to prove his case that the land was recorded in his khatedari in the Samvat Year 1993 i.e. before integration and independence.

I have perused the said document. Suffice it to say that the document does not inspire any confidence in as much as the document contains writing in ink Tehsil “Nadbai” Mauza “Rena” and Samvat Year “1993” in pen whereas the document is a photo copy allegedly of the khewat khatauni of samvat year 1993. It is not understood as to why the certified photo stat copy of the khewat khatauni has blank spaces, which have been filed by writing in ink against the name of the village and year. If at all the document was the photo copy, the above information which has been encircled by the court,ought to have been there is the original of the document. If the original contains blanks than the copy should have been issued as it is and not by

filing them in ink.

The above document cannot therefore be taken into consideration and the application under order 41 rule 27 CPC is dismissed. The Court Master is directed to put the signatures on the encircled portions on the aforesaid document. It is not understood how such a certified copy could be issued. The appeal as well as the stay application are dismissed in view of the concurrent findings recorded by the courts below. The application under Order 41 Rule 27 C.P.C. is also dismissed.

(DALIP SINGH),J.

Ramchandrkhatri,PS